



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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IN REPLY REFER TO

SECNAVINST 5740.29
ASN(FM&C): FMB3B3
7 April 2000

SECNAV INSTRUCTION 5740.29

From: Secretary of the Navy
To: All Ships and Stations

Subj: RELATIONS WITH HOUSE APPROPRIATIONS COMMITTEE SURVEYS
AND INVESTIGATION STAFF

Ref: (a) DODINST 5500.16 of 21 Oct 96 (NOTAL)
(b) DODDIR 5400.4 of 30 Jan 78 (NOTAL)

1. Purpose

a. To issue guidance and direction to Department of the Navy (DON) personnel for relations with the Surveys and Investigations Staff (S&IS) of the House Appropriations Committee (HAC).

b. To implement references (a) and (b).

c. To reestablish responsibility and procedures for granting or denying S&IS access to DON records and information.

2. Background. This SECNAVINST updates information previously contained in SECNAVINST 5740.26A which has been cancelled.

3. Discussion. This instruction provides policies and procedures concerning relations with the S&IS.

4. Policy. DON policy is to cooperate fully with the S&IS. All DON activities/offices will be responsive to requests for information from the S&IS, and will respond to requests for information from the S&IS as promptly as possible.

5. Responsibilities

a. The Assistant Secretary of the Navy (Financial Management and Comptroller) (ASN(FM&C)) is responsible for liaison with the S&IS. This includes:

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(1) Distributing S&IS announcement letters and designating the appropriate DON action officer for all inquiries in coordination with the appropriate staff office.

(2) Providing the name, rank or grade, organization and telephone number of the DON action officer to Office of the Secretary of Defense (OSD) and S&IS investigators.

(3) Tasking the assigned DON action officer to coordinate with S&IS investigators, as required, and to assist the S&IS investigators as necessary in the conduct of their inquiry.

(4) Providing policy guidance and assistance to the DON action officer.

(5) Maintaining and providing security clearance information relating to S&IS staff.

(6) Assisting DON action offices in resolving issues of access to information, questions and other problems that may arise.

(7) Issuing no cost travel orders to S&IS personnel traveling to foreign countries to visit DON activities so that military transportation may be used.

(8) Contacting the Director, Plans & Systems (P&S), Under Secretary of Defense (USD), Comptroller to obtain status of S&IS inquiries.

(9) Maintaining the official file on S&IS activity concerning the DON.

b. The DON action officer will:

(1) Brief the S&IS relative to DON involvement in the subject inquiry.

(2) Review and approve the release of materials, including policy statements, to the S&IS after coordination with other interested offices, commands and the Secretariat, as appropriate.

(3) Arrange for S&IS visits to DON headquarters

offices and field activities and coordinate such visits with organizations having primary or collateral interest in the inquiry. Field activities and ships will be advised of an S&IS visit first by telephone, followed by a message, which will cite pertinent information. This includes the name and security clearance of each S&IS investigator, the purpose of the visit, the exact date, time and place of arrival, the point of contact and the telephone number, and other relevant information. All correspondence dealing with travel of the S&IS team must include the Office of Legislative Affairs (Congressional Travel) and ASN(FM&C) (Appropriations Matters Office), and appropriate Echelon 1 and 2 commands as information addressees. The Commander in Chief, U.S. Pacific Fleet; Commander in Chief, U.S. Atlantic Fleet; Commander, Marine Forces, Pacific; and Commander, Marine Forces, Atlantic will also be addressees on such correspondence, as appropriate.

(4) Prepare and submit to the ASN(FM&C) (FMB3) by the 10th of each month, a report on the progress and status of the S&IS inquiry (note that negative reports are not required). This report will contain:

(a) A concise narrative of the major points of interest expressed by the S&IS during the reporting period, with a summary of the content of information provided.

(b) The commands visited.

(c) Planned future visits.

(d) Problems encountered.

(e) Applicable comments from other DON activities.

(f) Possible HAC action as a result of the inquiry.

(g) Findings that might prompt questions in hearings.

(5) Submit a closeout (final status) report to the ASN(FM&C) (FMB3B3) when the inquiry is complete.

c. DON activities and ships will upon proper identification and security clearance verification, admit S&IS investigators and will:

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(1) Arrange for S&IS personnel to meet command personnel or visit other offices or installations.

(2) Provide or arrange for briefings.

(3) Make temporary working space available.

(4) Arrange for access to records and documents.

Questions on the release of material should be referred to the designated DON action officer or FMB3B3.

(5) Promptly prepare and submit to the designated DON action officer, with copies to the chain of command and the ASN(FM&C) (FMB3B3), a report of the S&IS visit to include:

(a) Dates of arrival and departure of the S&IS.

(b) Briefing of subject areas discussed.

(c) Problems encountered.

(d) Indicated course of inquiry.

(e) Findings for the attention of management officials.

(f) Observations concerning the investigation.

6. Release of Records and Reports

a. SECNAVINST 5730.5G and OPNAVINST 5510.158A contain instructions on release of classified information. Classified information will be furnished to S&IS investigating teams only when such information relates to the investigators' task. The ASN(FM&C) will assist in determining the necessity for furnishing the specific information desired by the S&IS. Whenever access to classified information is authorized, each S&IS investigator must be advised of the classification level and fully understand the legal requirement to safeguard classified information. S&IS investigators are subject to the same statutory penalties for unauthorized disclosure or use of classified information as are officers or employees of the Department of Defense (DoD).

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b. The release of business-sensitive information to the S&IS is considered on a case-by-case basis. The DON official responsible for the information evaluates each request. DON general policy is that business-sensitive material may be released to S&IS investigators if it is within the scope of the inquiry. S&IS investigators must sign a receipt listing business-sensitive documents received and stating that they will treat the material as proprietary, business-sensitive information and safeguard its release following the provisions of 18 U.S.C. Section 1905. Requests for access to business-sensitive information that cannot be satisfied or resolved are referred to the Secretary of the Navy (SECNAV) via the chain of command.

c. Copies of records and reports relating to the inquiry, survey or investigation normally should be made available to S&IS personnel. The physical exchange of sensitive documents will be by the DON action officer except in cases where the information must be cleared through other DON components, the head of the activity involved or the SECNAV. Examples of such information include the following:

(1) Naval Inspector General (NAVINSGEN) reports, the release of which is specifically approved by the NAVINSGEN per SECNAVINST 5430.57F; Marine Corps Inspector General reports which are released by the Commandant of the Marine Corps (CMC); and other reports of inspections, investigations or surveys that pertain to safety or the internal management, administration or operations of the DON which are not available to the general public.

(2) SECNAV policy is that the General Counsel (GC) be promptly advised of all congressional requests for investigative files. The GC must review copies of all files requested at the earliest practicable time prior to taking action on the request. This includes requests for information or documents in investigative files of the Naval Criminal Investigative Service Command and the NAVINSGEN, but does not include requests for audits.

(3) Intelligence reports as to enemy capabilities, readiness of U.S. and Allied Forces, and contingency and operating plans.

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(4) Budgetary material, selected program acquisition data, and outyear fiscal projections may not be released to the S&IS until submission to the Congress by the President. This will be in February of each year. This material includes all information in the support justification books. However, outyear data contained in Selected Acquisition Reports (SAR) (RCS: DD-A&T(Q&A)823) which have been furnished to Congress may be released prior to release of the President's Budget.

(5) Requests for Program Objective Memorandum (POM) data and for FYDP information, including outyear data on "non-SAR" programs and Program Budget Decisions (PBDs), will be referred to the Director, Program/Budget Coordination Division (FMB-3).

(6) The Auditor General must clear the release of Naval Audit Service (NAVAUDSERV) audit reports.

(7) Requests for information concerning operational plans or support plans involving joint service participation will be referred to the Office of the Joint Chiefs of Staff for action, per Joint Chiefs of Staff Instruction 5714.01.

(8) Records of conversations or communications between DON personnel or between DON personnel and representatives of other agencies of the Executive Branch, if the conversations or communications are merely advisory or preliminary in nature and do not represent any final official action. Examples include incomplete or on-going studies relating to logistic support capabilities and facilities.

7. Visits By Investigators. The S&IS prefers to visit DoD activities unaccompanied by Headquarters, DON/DoD personnel. Should a notice of visit be transmitted directly from S&IS personnel to a field command, the command should promptly advise ASN(FM&C) (FMB3B3).

8. Action. DON action offices include Assistant SECNAV offices, Chief of Naval Operations, Commandant of the Marine Corps, headquarters commands (Commanders in Chief, U.S. Atlantic and Pacific Fleets)(FLTCINCS).

9. S&IS Reports. S&IS reports are rarely released and then only by the authority of the subcommittee which requested the study. Upon notification by the DON action officer that an S&IS

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study is completed, the ASN(FM&C) (FMB3B3) will request the Director, P&S to obtain a copy. The Director, P&S, USD Comptroller must initiate all requests to the HAC. Occasionally, committee staffers will provide an S&IS report directly to the DON action officer, especially when hearings on the subject are forthcoming. When this happens, the DON action officer should promptly provide a copy of the report to the ASN(FM&C) (FMB3B3).

10. Reports. The reports required by this instruction are exempt from reports control by SECNAVINST 5214.2B.

Distribution:

SNDL Parts 1 and 2

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